

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. R-09/08-431  
 )  
 Appeal of )

# INTRODUCTION

The petitioner appeals the decision by the Department for Children and Families, Economic Services reducing her Reach Up Financial Assistance (RUFA) benefits by \$75 as a sanction for her noncompliance with Reach Up work and training requirements. The issue is whether the petitioner failed without good cause to comply with applicable Reach Up requirements.

## FINDINGS OF FACT

1. The petitioner is a recipient of RUFA benefits and a participant in the Reach Up program. She has had two prior conciliations under the program for non compliance issues in 2004 and 2005.

2. In August 2008 the petitioner's work requirement under Reach Up was reduced to 20 hours a week (from the previous 30) due to a documented medical deferment. At that time the petitioner agreed to attend 20-hours-a-week classes at the Making It Work (MIW) program. The classes were to

begin September 2 and run until September 25, 2008. The petitioner understood that she was to notify her Reach Up worker in advance any day she could not attend the class.

3. On September 12, 2008 the petitioner's Reach Up worker received a report from the MIW program that the petitioner had missed a total of four days of classes out of the seven that had been held during the weeks ending September 6 and 13, 2008. The report noted that one of the missed days had been "excused" by the MIW program. The petitioner had called her Reach Up worker on another of the missed days, and that one had also been excused.

4. On September 15, 2008 the Reach Up worker sent the petitioner a notice that her Reach Up grant would be sanctioned \$75 as of October 1, 2008 for her failure to comply with program requirements. The petitioner unilaterally ceased attending classes altogether as of September 15, 2008.

5. Following the petitioner's appeal a hearing was held on October 3, 2008. At that time the matter was continued based on the petitioner agreeing to meet with her worker on October 7, 2008 and to furnish the Department with documentation that she had been engaged in dealing with school and medical problems with her son on the days in

question and that she had made phone calls to the Department to report her absences from class on those days.

6. Another hearing was held, as scheduled, on November 7, 2008. The petitioner's Reach Up worker testified that the petitioner had not appeared at the October 7 meeting, but had called to reschedule it the next day. When the petitioner again did not appear the worker called her and the petitioner alleged that she had forgotten it because she was sick. The worker rescheduled the meeting for October 10, but the petitioner neither appeared nor called that day. As of November 7, the petitioner had furnished none of the alleged verification to the Department, and she did not have any of it on the day of the hearing.

7. However, at the hearing on November 7 the petitioner insisted that she could still provide verification to explain and excuse her absences from the MIW classes that had been held between September 2 and 11. The hearing officer directed her to provide this information to her worker within one week.

8. On November 17, 2008 the Department reported that the petitioner had appeared at the district office early in the day on November 14, 2008 regarding another matter, and had been "reminded" of her agreement to furnish the

verification in question. The petitioner stated she would return later that day with the information, but she failed to do so. To date, there is no indication that the petitioner has provided any further information in this matter.

9. Nothing in the petitioner's demeanor and actions during or following her hearings lead the hearing officer to credit any of her allegations regarding her failure to attend MIW classes.

ORDER

The Department's decision is affirmed.

REASONS

Included in the "types of noncompliance" in the Reach Up regulations is the "failure or refusal to . . . attend or participate fully in (Reach Up) activities . . . (or) show up for work." W.A.M. § 2370.1. To ensure that the goals of the Reach Up program are met, Vermont uses a case management system designed to assess a recipient's abilities, identify barriers impeding an recipient's ability to become self-sufficient, and provide help in the implementation of a family development plan (FDP). The petitioner in this matter does not allege that attending MIW classes was an onerous or inappropriate activity.

The regulations allow the Department to seek a sanction when a recipient has not complied with the terms of his/her FDP. Sanctions are an appropriate response if the recipient does not have good cause for noncompliance. 33 V.S.A. § 1112(a), W.A.M. § 2370.1. Examples of good cause found at W.A.M. § 2370.32 include medical and child care problems. Under the regulations, the case manager has a responsibility to make a good cause determination. W.A.M. § 2370.2 states:

The case manager shall make a good-faith effort to contact the individual to discuss the act or pattern of noncompliance with the individual. The individual will provide sufficient documentation to substantiate a claim of good cause. . .

In this case, despite her repeated insistence that such documentation is available and the Department's considerable forbearance in allowing her time to produce it, the petitioner has failed to offer any verification of her excuses for missing the classes in question. Based on the foregoing, the Department's decision to sanction petitioner's RUFA grant must be affirmed. 3 V.S.A. § 3091(d), Fair Hearing Rule 1000.4D.

# # #